

2



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,578	09/27/2001	Masanori Watanuki	04329.2682	9687

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EXAMINER
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FAULK, DEVONA E

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/963,578

Applicant(s)

WATANUKI, MASANORI

Examiner

Devona E. Faulk

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 13, 16, 22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 13, 16, 22 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/27/2001</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of species 2, claims 13 and 16, without traverse, in the reply filed on 1/27/2006 is acknowledged.
2. Claims 5-12, 14, 15, 17-20, 22, 23, 25-28 are withdrawn from consideration due to the restriction.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claim 1** is rejected under 35 U.S.C. 102(e) as being anticipated by Scrivens et al. (US 6,728,518).

Regarding claim 1, Scrivens discloses an audio player (Figure 1, abstract) comprising:

a circular main body;

a display panel provided at one face of said main body (32 display, Figure 1);

an operating switch rotatably provided at a periphery of said display panel(20 switch);

and a wireless communication antenna provided at the other face of said main body (antenna; wire 18 comprises an antenna wire; column 2, lines 17-19).

5. **Claim 3** is rejected under 35 U.S.C. 102(b) as being anticipated by Ullman (US 5,787,166).

Regarding claim 3, Ullman discloses a headphone (Figure 1) comprising:

a circular main body(4, housing, Figure 1);

a speaker provided on one face of said main body( 5, Figure 1);

a wireless communication antenna (2, Figure 1; column 3, lines 16-17;column 2, lines 57-58) provided at the other face of said main body; and an ear hook (9, Figure 1) provided at said main body.

6. **Claims 13,16,22 and 24** are rejected under 35 U.S.C. 102(e) as being anticipated by Dress et al. (US 6,519,448).

Regarding **claim 13**, Dress discloses a music reproduction apparatus (Figure 1; column 2, lines 58-62) comprising an audio player (base unit, Figure 2) and a pair of left and right headphones (200, Figure 1) connected to said audio player via a wireless digital data transmission channel, said audio player comprising:

a transmitter (116, T/R of base unit illustrated by Figure 3) configured to transmit left and right music data to the left and right headphones, and each of said left and right headphones comprising:

a receiver configured to receive the left and right music data transmitted from said audio player (220, Figure 5; column 8, lines 44-45) and

a data extracting section configured to extract one of the left and right music data received by said receiver(212, audio amplifier).

Regarding **claim 13**, Dress discloses wherein said audio player comprises an interface capable of wirelessly connecting a plurality of headphones (Figure 2; column 2, line 65-column 3, line 3; each of the earphones read on a separate headphone).

Regarding **claim 21**, Dress discloses a music reproduction apparatus (Figure 1; column 2, lines 58-62) comprises an audio player (base unit, Figure 2; column 8, lines 44-45) and a pair of left and right headphones (base unit, Figure 2) connected to said audio player via wireless digital data transmission channel (Figure 2) , said audio player comprising a transmitter configured to transmit left and right music data to the left and right headphones respectively (116, T/R of base unit illustrated by Figure 3).

Regarding **claim 24**, Dress discloses wherein said audio player comprises an interface capable of wirelessly connecting a plurality of headphones (Figure 2; column 2, line 65-column 3, line 3; each of the earphones read on a separate headphone).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2644

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Scrivens et al. (US 6,728,518) in view of Tien et al. (US 6,381,452).

Regarding claim 2, Scrivens fails to disclose further comprising a card slot provided at a side face of said main body.

Tien discloses a card slot provided at a side face (Figures 2,3 and 5). It would have been obvious to modify Scrivens to include a card slot as taught by Tien in order to provide more memory (column 2, lines 8-12).

9. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ullman (US 5,787,166) in view of Kenney (US 4,484,029).

Regarding **claim 4**, Ullman teaches of battery used for the power supply (column 3, lines 21-23). Ullman fails to teach of a rotary power switch. Kenney teaches of a rotary power switch (column 2, lines 34-38). It would have been obvious to modify Ullman to include a rotary power switch in order to automatically switch on and off.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEF

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